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REMARKS

Applicants wish to thank Examiner Langel for the interview conducted at his office on August 26, 2004, during which it was agreed that the following amendments would overcome the art of record and would be submitted in response to the pending office action.

Claims 1-45 and 55-72 were previously pending in this application. By this amendment, Applicant is canceling claims 2, 42, 58, and 62-65 without prejudice or disclaimer. Claims 1, 3, 38, 43, 55, 59, 70, 71, and 72 have been amended. Specifically, independent claims 1, 38, 55, 71, and 72 have been amended to recite that the metal oxide is an oxide of a metal selected from the group consisting of Ca, Mg, Ba, and combinations thereof. These amendments are supported in the specification at page 4, lines 28-29, and dependent claims 2, 42, and 58, as originally filed. The dependencies of claims 2, 43, 55 have been amended. In claims 1, 38 and 55, the word "about" has been deleted. In claim 70, the word "one" has been added after the phrase, "the method of." Claims 71 and 72 have also been amended to correct obvious typographical errors. As a result, claims 1, 3, 4, 38-41, 43-45, 55-57, 59-61, and 66-72 remain pending. No new matter has been added.

Rejection under 35 U.S.C. §112

Claims 1-4, 38-45, 55-61, and 66-68 were rejected under 35 U.S.C. §112. As noted above, claims 1, 38, and 55 were amended to overcome this rejection. Claims 71 and 72 were rejected under 35 U.S.C. §112. As noted above, claims 71 and 72 have been amended to overcome these rejections. Claims 3-4, 39-41, 43-45, 56-57, 59-61 and 66-68 depend directly or indirectly from independent claims 1, 38 or 55. Claims 2, 42, and 58 have been cancelled without prejudice. Accordingly, withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 62-65 were rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103 (a) over Japanese 7-313,867 (JP '867). As noted above, claims 62-65 have been cancelled without prejudice. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-4, 62-65, 69, 71, and 72 were rejected under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over U.S. Patent No.4,518,488 to Wennerberg (hereinafter Wennerberg).

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Wennerberg fails to disclose each and every element of the claims as amended. Specifically, Wennerberg fails to disclose, teach, or suggest an activated carbon – metal oxide matrix containing an oxide of a metal selected from the group consisting of Ca, Mg, Ba, and combinations thereof, as recited in each of independent claims 1, 71, and 72. Moreover, one skilled in the art would not have used group IIA metals, such as Ca, Mg, Ba in Wennerberg because it is concerned with hydrogenating metals for preparing catalysts. As such, independent claims 1, 71, and 72 are novel and patentable over Wennerberg. Claims 3, 4, and 69 depend directly from independent claim 1 and are patentable for at least the above-mentioned reasons. Claims 2, 62-65 have been cancelled without prejudice. Accordingly, withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 38-45, 55-61, 66-68 and 70 were rejected under 35 U.S.C. §103(a) over Wennerberg in view of JP '867.

As noted above, Wennerberg fails to disclose, teach or suggest an activated carbon – metal oxide matrix containing an oxide of a metal selected from the group consisting of Ca, Mg, Ba and combinations thereof, as recited in independent claims 38 and 55. JP '867 discloses a deodorant wherein a metal oxide is deposited on the surface of an activated carbon within the pore structure and, as such, fails to cure the deficiencies of Wennerberg. As such, independent claims 38 and 55 are patentable over the references, either alone or in combination. Claims 39-41, 43-45, 69, and 70 depend directly or indirectly from independent claim 38, and claims 56-57, 59-61, 66-68, and 70 depend directly or indirectly from independent claim 55. As such, these claims are patentable for at least the same reasons. Claims 42 and 58 have been cancelled without prejudice. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 500214.

Respectfully submitted,
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